

United States Courts
Southern District of Texas
FILED

FEB 07 2015

David J. Bradley, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA
V.
Ricardo Javier RAMIREZ

CRIMINAL COMPLAINT

Case Number: C-15-156m

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 2/6/2015 in Brooks County, in the

Southern District of Texas defendant(s), Ricardo Javier RAMIREZ

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent **Patrick Schellinger**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

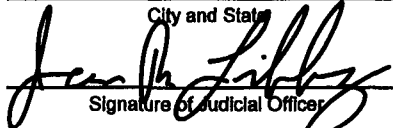

Signature of Complainant

Patrick Schellinger
Printed Name of Complainant

Submitted by reliable electronic means, sworn to, signatures attested telephonically per Fed. R. Crim P.4.1, and probable cause found:

February 7, 2015
Date
Jason B. Libby, U.S. Magistrate Judge
Name and Title of Judicial Officer

at

Corpus Christi, Texas
City and State

Signature of Judicial Officer

Affidavit

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

On February 06, 2015 Falfurrias Border Patrol Agents encountered and arrested Ricardo Javier RAMIREZ and Sydia Rosa ARROYO at the Falfurrias Border Patrol Checkpoint transporting one undocumented alien in a 2006 Pontiac Grand Prix displaying Texas plates CZN2202 near Falfurrias, Texas. Sydia Rosa ARROYO was released after it was determined she had lack of knowledge in this case.

On February 06, 2015, Border Patrol Agent Jesus Carranza, was assigned checkpoint duties at the United States Border Patrol Checkpoint in Falfurrias, Texas. At approximately 5:30 P.M. a 2006 Pontiac Grand Prix displaying Texas plates CZN2002 approached the primary lane for an immigration inspection. Agent Carranza observed three occupants in the vehicle and proceeded to conduct an immigration inspection of the occupants. Agent Carranza questioned the driver, later identified as Ricardo Javier RAMIREZ, as to his citizenship and if he was a United States Citizen. RAMIREZ responded, "Yes." Agent Carranza then questioned the front seat passenger, later identified as Gabriela Isabel HERNANDEZ-Chavez, as to her citizenship and if she was a United States Citizen. Agent Carranza noted during this interview that HERNANDEZ nervously looked down and mumbled, "Yes." Agent Carranza further noted while he was questioning the front seat passenger, RAMIREZ was tightly gripping the passenger's hand and kept attempting to answer for HERNANDEZ. Agent Carranza then asked RAMIREZ where they were going and RAMIREZ stated to San Antonio, Texas for a wedding. Agent Carranza then questioned the back seat passenger, later identified as Sydia Rosa Arroyo, as to her citizenship and she responded, "United States Citizen." Due to the nervous behavior RAMIREZ and HERNANDEZ were displaying, Agent Carranza asked RAMIREZ if he could pull his vehicle over for further inspection and he replied "OK". At that time, RAMIREZ was directed to the secondary inspection area to further the immigration inspection of the occupants of the vehicle.

At secondary, HERNANDEZ was questioned as to her citizenship and she freely admitted to being a citizen of Mexico illegally present in the United States of America. All subjects were placed under arrest and escorted inside the Border Patrol Checkpoint for further processing.

MIRANDA WARNING:

Once inside the checkpoint, Agent Jesus Carranza proceeded to read RAMIREZ his rights in his preferred language of English, as per form I-214. Border Patrol Agent Cesar Cavazos witnessed this advisement of rights. RAMIREZ stated he understood his rights and proceeded to sign the form. RAMIREZ agreed to speak without a lawyer present.

RAMIREZ stated he knew the front seat passenger to be an undocumented alien. RAMIREZ stated he was paid \$400.00 USD, earlier in the day, to attempt to drive her to Houston, Texas. RAMIREZ stated he was to receive an additional \$1,000.00 USD once he arrived in Houston,

Texas. RAMIREZ claimed the rear back seat passenger, ARROYO, is his friend and he was giving her a ride to San Antonio, Texas for a wedding. RAMIREZ stated he met a light skinned short Hispanic male by the name of "Sergio" at a pool hall by the name of Patos Place in Pharr, Texas about two months ago. RAMIREZ stated his friend "Sergio" asked him two days ago if he wanted to make some extra money and he stated "Yes." RAMIREZ stated that "Sergio" told him he would be driving an illegal to Houston, Texas and he would get \$1,400.00 USD total for doing so. RAMIREZ stated his friend "Sergio" told him to meet him at Patos Place around 3:30 P.M. and he would have the illegal with him. RAMIREZ stated "Sergio" drove up in an old Tahoe at about 3:30 P.M. RAMIREZ was then introduced to HERNANDEZ and he further stated he told her to say "Yes Sir" when questioned at the Falfurrias Checkpoint. RAMIREZ stated he told HERNANDEZ to say she was his girlfriend and they were going to San Antonio, Texas for a wedding if further questioned. RAMIREZ freely admitted he was aware that HERNANDEZ was illegal present in the United States of America.

CO-PRINCIPAL STATEMENT:

Agent Carranza then read ARROYO her rights in her preferred language of English, as per form I-214. Border Patrol Agent Cesar Cavazos witnessed this advisement of rights. ARROYO indicated she understood her rights and proceeded to sign the form. ARROYO agreed to speak without a lawyer present.

ARROYO stated RAMIREZ is her friend. ARROYO stated RAMIREZ asked her if she wanted to go San Antonio, Texas with him to attend a wedding, to which she agreed. ARROYO stated she has family in San Antonio, Texas and that's why she agreed to go with RAMIREZ. ARROYO stated RAMIREZ picked her up at her residence. ARROYO stated when RAMIREZ arrived, HERNANDEZ was in the car with him. RAMIREZ then introduced HERNANDEZ as his girlfriend. ARROYO stated she was unaware that HERNANDEZ was illegal.

MATERIAL WITNESS STATEMENT:

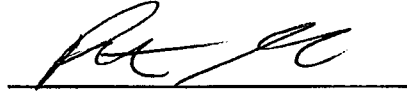
Agent Hector Garcia read HERNANDEZ her rights in her preferred language of Spanish, as per form I-214. HERNANDEZ indicated she understood her rights and proceeded to sign the form. HERNANDEZ agreed to speak without a lawyer present.

HERNADEZ stated her aunt made the arrangements for her to be smuggled to Houston, Texas. HERNANDEZ stated her aunt got in contact with a man that was to take her to Houston, Texas, HERNANDEZ stated a man picked her up in a vehicle today and took her to an unknown business where she met RAMIREZ. HERNANDEZ stated RAMIREZ told her to say that they were dating and to say yes when questioned if she was a United States Citizen. HERNANDEZ was able to identify RAMIREZ on a photo lineup as the driver of the vehicle she was being transported in, and as the person that coached her on what to say when questioned at the checkpoint. HERNANDEZ confirmed she was in the vehicle at the time she was introduced to ARROYO.

The facts of this case were presented to Assistant United States Attorney Mark Patterson who accepted RAMIREZ for prosecution for Alien Smuggling.

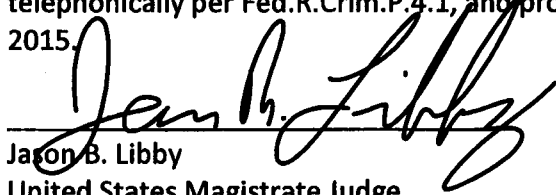
Due to the lack of knowledge, ARROYO was released without further action.

HERNADEZ will serve as material a witnesses.



Patrick Schellinger
Border Patrol Agent

Submitted by reliable electronic means, sworn to, signature attested
telephonically per Fed.R.Crim.P.4.1, and probable cause found on this 7th day of February
2015.



Jason B. Libby
United States Magistrate Judge